

Amendment Under 37 C.F.R. § 1.111  
Serial No.: 10/649,720  
SUGHRUE MION, PLLC Ref: Q76694

### **REMARKS**

Claims 1-11 are all the claims pending in the application. The Examiner has rejected claim 2 under § 112 (second paragraph) as being indefinite. In the rejection, the Examiner states that there is no antecedent basis for the limitation “the ratio r/R” in claim 2. Thus, the Examiner asserts that the claim should be reworded such that it does not depend on claim 1 to claim a r/R ratio. Although Applicants do not understand this rejection, Applicants have amended claim 2 to address any potential antecedent problem. Thus, it is respectfully submitted that this rejection has been overcome.

Claims 1, 2 and 5-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Shimazu, et al. (U.S. Patent publication No. 2004/0003628). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimazu, et al. in view of Tsurusaki, et al. (English translation of JP 2001-048568 (now referred to as JP ‘568)). Finally, claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimazu, et al. in view of Roba, et al. (U.S. Patent Publication No.: 2001/0020374).

Applicants note that the priority date (September 9, 2002) is prior to the U.S. filing date of Shimazu, et al. Accordingly, Applicants submit herewith a Verified English Translation of the priority document in order to perfect the claim to priority. As such, Shimazu, et al. is not prior art to the subject application. Since all of the outstanding rejections rely on Shimazu, et al. as the primary reference, it is submitted that the claims pending in the application are patentable. It is therefore requested that the application be passed to issue at the earliest convenience.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

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